

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN MOSSETTE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:24-07
)	Judge Nora Barry Fischer
PENNSYLVANIA PAROLE BOARD,)	Magistrate Judge Keith Pesto
)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 17th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on January 10, 2024, (Docket No. 6), recommending that the § 2254 habeas petition filed by Petitioner John Mossette against the Pennsylvania Parole Board, wherein he challenges the denial of parole and seeks release from state custody to parole, be denied, without a certificate of appealability, Petitioner's 1-page Response which was timely filed within 14 days as directed by the Magistrate Judge, (Docket No. 7), as well as his Reply and Request for Parole Hearing, (Docket Nos. 7 and 8), which were filed on March 7, 2024 and March 8, 2024, respectively, and the matter having been reassigned to the undersigned for prompt disposition, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of January 10, 2024, (Docket No. 6), which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner's Objections set forth in his Response, Reply and Request for a Parole Hearing (Docket Nos. 7, 8, 9) are OVERRULED as he has failed to present sufficient facts to demonstrate an entitlement to the relief he requests, i.e., release on parole

and it further appearing to the Court that Petitioner was to be reviewed again for parole in 2025, such that his requests for an earlier parole hearing during 2024 are moot, (*see* Docket Nos. 7. 8);

IT IS FURTHER ORDERED that the Petition (Docket No. 5) is DENIED;

IT IS FURTHER ORDERED that no certificate of appealability shall issue as Petitioner has not made a substantial showing of a denial of a Constitutional right and jurists of reason would not debate the disposition herein; and,

FINALLY, IT IS ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer

Nora Barry Fischer

Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith A. Pesto

cc: John Mossette
JY-9158
S.C.I. Somerset
1590 Walters Mill Road
Somerset, PA 15510 (via first class mail)